



LENA C. TAYLOR

Wisconsin State Senator • 4th District

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Testimony of Senator Lena C. Taylor
Assembly Committee on Corrections and the Courts
Assembly Bill 419 – Rape Shield & Protections for Victims of Sexual Abuse
Wednesday, September 23, 2009

Honorable members of the committee:

Thank you for taking testimony on Assembly Bill 419, a bill that creates a rape shield law and expands protections offered to victims of sexual abuse. I am pleased to work with the Assembly author, Rep. Mark Radcliffe, on this important bill.

AB 419 accomplishes three legislative goals:

- The creation of a civil rape shield law, modeled on the Federal Rules of Evidence, which would limit a defendants' cross examination of a rape victim regarding his or her sexual history.
- It keeps personally identifiable information about a sexual assault victim listed on a crime victim compensation form confidential.
- The bill prohibits, in any civil action seeking damages, the admission of evidence aiming to prove the victim engaged in other sexual conduct. Presently, evidence from a mental examination that may make the existence of a fact more or less probably is admissible in a court action that involves actions concerning the alleged fact.

AB 419 creates much needed protections for victims of sexual assault. Keeping any personally identifiable information confidential can prevent public scrutiny, thereby making rape victims feel comfortable and secure in reporting instances of abuse. It is important that these three policy decisions do not conflict with the constitutional rights of an offender, victim, or the court. Rather, these initiatives present a clear line of boundary around the information about and from a victim that protects their personal safety and livelihood.

I encourage your support of this bill.

Thank you.



Wisconsin Coalition Against Sexual Assault, Inc.

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To: Members of the Assembly Committee on Corrections and the Courts

From: Tony Gibart, Wisconsin Coalition Against Sexual Assault, Inc.

Re: Wisconsin Coalition Against Sexual Assault Testimony in Favor of AB 419-The Sexual Assault Victim Privacy Protection Act

Chairperson Parisi and Members of the Committee, thank you for the opportunity to provide testimony on AB 419, which will help make Wisconsin a leader in protecting the privacy of sexual assault victims. My name is Tony Gibart, and I represent the Wisconsin Coalition Against Sexual Assault (WCASA). WCASA is the statewide membership organization that represents Wisconsin's local sexual assault victim service providers and survivors. WCASA fully supports AB 419.

Assembly Bill 419 has two primary justifications. First, no victim of sexual assault should have to choose between seeking justice for the crime and avoiding the injustice of being re-traumatized by public scrutiny, defense harassment or unnecessary embarrassment. AB 419 will help eliminate the existence of this unacceptable choice.

The second justification for the legislation is pragmatic. Currently, most sexual assaults are never reported. Victims' fears of being harassed or having their privacy violated are a leading cause of underreporting. Data show that as the legal system has become more sensitive to victims, reporting has increased. AB 419 will protect victims' privacy and minimize the risk that victims will be discouraged from reporting abuse and holding perpetrators accountable. Victims, potential victims and our communities are safer when sex offenders are brought to justice.

Assembly Bill 419 has four main provisions.

AB 419 creates a civil rape shield in Wisconsin.

Currently, Wisconsin has a rule of evidence in criminal court, known as a "rape shield" that holds that the defendant may not introduce evidence of the sexual conduct of the victim. This rule is similar to rules in all 50 states, which protect sexual assault victims from unnecessary harassment and embarrassment while on the witness stand. A number of states and the federal government have also created rape shield laws that apply to civil courts systems. With AB 419, Wisconsin will join these jurisdictions that protect the privacy and dignity of victims who have the strength to hold their perpetrators to account in civil court.

AB 419 will prevent a defendant from requesting, and a court from ordering, that a victim undergo a mental examination for the purposes of assessing her credibility as a condition of testifying.

Perhaps more than any other crime victims, victims of sexual assault show tremendous courage when they appear in court to testify against their attacker. However, rape victims are often cast under a cloud of suspicion and viewed as inherently untrustworthy or mentally unstable. These